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IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

Docket No.

JAMES CHAMBERS,

Petitioner,

vs.

CAROL CHAMBERS,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF NEW JERSEY

JAMES CHAMBERS, Petitioner, prays that a Writ of Certiorari issue to review the Order of the Supreme Court of the State of New Jersey denying a motion for leave to appeal the denial of a free transcript in order to perfect an appeal on the merits from an adverse decision of the New Jersey Juvenile and Domestic Relations Court in a civil contempt proceeding.

OPINIONS BELOW

The Orders below are unreported. The case, as styled in the Juvenile and Domestic Relations Court of the County of Essex, is *Carol Chambers,* Plaintiff, v. *James Chambers,* Defendant, Doc. No. 6886. The Order of the Juvenile and Domestic Rel ons Court dated February 16, 1973, denying the motion for a free transcript was rendered orally and is contained in the transcript of the hearing on the motion submitted separately with the within petition. The case, as styled in the Superior Court of New Jersey: Appellate Division, is *Carol Chambers,* Plaintiff-Respondent, v. *Jam s Chambers,* Defendant-Appellant, Doc. No. A-1042-72, Mo. No. M-1014-72. The Order of the New Jersey Superior Court: Appellate Division, denying the motion for a free transcript dated May 29, 1973, is attached hereto as Appendix A. The case, as styled in the Supreme Court of New Jersey, is *Carol Chambers,* Plaintiff-Respondent, v. *James Chambers,* Defendant-Movant, Mo. No. M-56 SEPTEMBER TERM 1973. The Order denying the motion for a free transcript dated September 19, 1973, is attached hereto as Appendix B.

JURISDICTION

The Order of the Supreme Court of New Jersey was made and entered on September 19, 1973, and within Petition for Writ of Certiorari was thereafter timely filed. The jurisdiction of the Court is invoked under 28 U.S.C. 1257(c). Relief is not available in any other Court, nor can it be had through other appellate process since the denial of Petitioner's motion for a free transcript pretermits an appeal now stayed before the Superior Court of New Jersey: Appellate Division, for want of a transcript of the record below on the merits. This Court has the power and authority to grant the within writ and has done so in similar cases involving denial of free transcripts. *Griffin* v. *Illinois,* 351 U.S. 12, 100 L.Ed. 891, 76 S.Ct. 585 (1956), *Eskridge* v. *Washington State Board of Prison Terms and Paroles,* 357 U.S. 314, 2 L.Ed. 2d 1269, 78 S.Ct. 1061 (1958), *Mayer* v. *City of Chicago,* 404 U.S.

139, 30 L.Ed. 2d 372, 92 S.Ct. 410, (1971), *Williams* v. *City of Oklahoma City*, 395 U.S. 458, 23 L.Ed. 2d 404, 89 S.Ct. 1818 (1969).

QUESTIONS PRESENTED FOR REVIEW

I

Does the decision below denying Petitioner's motion for a free transcript on appeal solely on the basis that his attorney, and OEO legal service project, should pay for said transcript, constitute an invidious discrimination as applied to Petitioner in violation of the due process and equal protection requirements of the Fourteenth Amendment and conflict with this Court's opinion in *Adkins* v. *E.I. DuPont De Nemours and Company*, 335 U.S. 331, 93 L.Ed. 43, 69 S.Ct. 85 (1948)?

II

Does the decision below denying Petitioner's motion for a free transcript on appeal constitute a violation of his right to due process and equal protection under the Fourteenth Amendment and conflict with this Court's decision in *Griffin* v. *Illinois*, 351 U.S. 12, 100 L.Ed. 891, 76 S.Ct. 585 (1956)?

CONSTITUTIONAL PROVISIONS INVOLVED

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws.

STATE CONSTITUTIONAL PROVISIONS INVOLVED

N.J. Const. (1947) Art. 6, Sec. 5, Para. 2

> 2. Appeals may be taken to the Appellate Division of the Superior Court from the Law and Chancery Divisions of the Superior Court, the County Courts and in such causes as may be provided.

N.J. Const. (1947) Art. 6, Sec. 2, Para. 3

> 3. The Supreme Court shall make rules governing the administration of all courts in the State, and subject to law, the practice and procedure in all such courts. The Supreme Court shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.

NEW JERSEY COURT RULES INVOLVED

R. 2:2-3(a)

2:2-3 APPEALS TO THE APPELLATE DIVISION FORM FINAL JUDGMENTS, DECISIONS, ACTIONS FROM RULES

> (a) As of Right. Except as otherwise provided by R. 2:2-1(a) (3) (final judgments appealable directly to the Supreme Court), appeals may be taken to the Appellate Division as of right (1) from final judgments of the Superior Court trial divisions, the county court or the judges thereof sitting as statutory agents; the juvenile and domestic relations courts except in bastardy and paternity proceedings; the county district courts in civil actions except bastardy and paternity proceedings; and in summary contempt proceedings in all trial courts except municipal courts; (2) to review final decisions or actions of any state administrative agency or officer except those governed by R. 4:74-8 (Wage Collection Section appeals), or to review the validity of any rules promulgated by such agency or officer; (3) in such cases as are provided by law. Unless the interest of justice requires otherwise, review pursuant to R. 2:2-3(a)

(2) shall not be maintainable so long as there is available a right of review before any administrative agency or officer.

R. 2:5-3(d)

2:5-3. PREPARATION AND FILING OF TRANSCRIPT; STATEMENT OF PROCEEDINGS

(d) Deposit for Transcripts; Dispositions by Reporter and Clerk; Transcripts for Indigents. Unless the appellant is the State or a political subdivision thereof, he shall, at the time of making the request for a transcript, deposit with the reporter or the clerk of the court or agency from whom a transcript was ordered, either the estimated cost of the transcript or the sum of $200.00 for each day or fraction thereof of trial or hearing. The reporter or clerk as the case may be, shall promptly prepare or arrange for the preparation of the transcript in accordance with its standards fixed by the Administrative Director of the Courts, deliver the original to the appellant and file the copy with the clerk of the court to which the appeal is taken, forthwith notify in writing the Administrative Office of the Courts and the attorney for all of the parties of such delivery and filing, and bill the appellant or reimburse him for any sum due for the preparation of the transcript or overpayment made thereof. If the appellant is indigent and is entitled to have a transcript of the proceeding below furnished without charge for use on appeal, on application either the trial or the appellate court may order the transcript prepared at public expense.

R. 2:7-4

2:7-4. RELIEF IN SUBSEQUENT COURTS

If any relief has been granted by any court to a person as an indigent in all subsequent proceedings resulting from the same indictment, accusation or criminal or civil complaint in any court without making application

therefor upon the filing with the court in the subsequent proceeding a copy of the order granting relief or a sworn statement to the effect that such relief was previously granted and stating the court and proceeding in which it was granted. The filing of such order or statement shall be accompanied by an affidavit stating that there had been no substantial change in the Petitioner's financial circumstances since the date of the entry of the order granting such relief.

R. 1:13-2

1:13-2. PROCEEDINGS BY INDIGENTS

(a) Waiver of Fees. Except when otherwise specifically provided by these rules, whenever any person by reason of poverty seeks relief from the payment of any fees provided for by law which are payable to any court or clerk of court or any public officer of this State, any court upon the verified application of such person, which application may be filed without fee, may in its discretion order the payment of such fees waived. In any case in which a person is represented by a legal aid society, an Office of Economic Opportunity legal services project, the Office of the Public Defender, or counsel assigned in accordance with these rules, all such fees and any charges of public officers of this State for service of process shall be waived without the necessity of a court order.

(b) Compensation of Attorneys. Execpt as provided by any order of the Court, no attorney assigned to represent a person by reason of poverty shall take or agree to take or seek to obtain from the client, payment of any fee, profit or reward for the conduct of such proceeding for office or other expenses; but no attorney shall be required to expend any of his own money in prosecution of the cause.

R. 2:5-3(c)

2:5-3(c) ABBREVIATION OF TRANSCRIPT IN CIVIL CASES.

The transcript may be abbreviated only in civil actions and under R. 3:23-3, either:

(1) by consent, provided all parties to the appeal agree in writing that only a stated portion thereof will be needed by the appellate court, and in such cases, only those portions of the transcript specified in the writing shall be ordered in the request for transcript, or (2) by order of the trial judge or agency which determines the matter on appellant's motion specifying the points on which he will rely on the appeal. The motion shall be filed and served no later than the time of filing and service of the notice of appeal, and service of the request for transcript prescribed by paragraph (a) of this rule shall be made within 3 days after entry of the order determining the motion.

STATEMENT OF THE CASE

On October 30, 1972, Petitioner was arrested and incarcerated in the Essex County jail pursuant to a bench warrant issued by the Juvenile and Domestic Relations Court of Essex County on January 6, 1972, in the action captioned *Carol Chambers* v. *James Chambers,* Doc. No. 6886. By Order dated October 30, 1972, Petitioner was remanded to the Essex County Jail to be held for hearing on November 1, 1972, and assigned Newark Legal Services Project as counsel subject to meeting economic guidelines.

Newark Legal Services Project attorneys entered their appearance on behalf of Petitioner and trial began on November 1, 1972, with the Respondent *Carol Chambers,* the Essex County Welfare Board, and Essex County Probation Department appearing. The original application that resulted in the bench warrant of January 6, 1972, was filed by the Essex County Probation Department on behalf of Respondent *Carol Chambers.*

The Petitioner was charged with civil contempt (pursuant to N.J.S. 2A:4-18) for allegedly being in violation of probation. Three hearings were held on November 1, 1972, November 6, 1972 and December 18, 1972: each hearing was lengthy with the first lasting over six and one-half hours. Petitioner is currently released from custody and under terms of probation set forth in an undated Order entered shortly after December 18, 1972, (App. C).

Notice of Appeal with a request for a free transcript was timely filed with the New Jersey Superior Court: Appellate Division pursuant to Rule 2:5-1 et seq., on December 20, 1972. On February 16, 1973, Petitioner's motion pursuant to Rule 2:5-3(d) before the Essex County Juvenile and Domestic Relations Court for a free transcript was heard, with Essex County Counsel appearing in opposition. At said hearing Petitioner through oral argument, memorandum of law, and affidavit of Petitioner's continued indigency in support of his motion, asserted his right of appeal,[1] his indigency,[2] and his constitutional right to a free transcript primarily based on *Griffin* v. *Illinois*, 351 U.S. 12, 100 L.Ed. 891, 76 S.Ct. 585 (1956), *Eskridge* v. *Washington State Board of Prison Terms and Paroles*, 357 U.S. 314, 2 L.Ed. 2d 1269, 78 S.Ct. 1061 (1958), and *Adkins* v. *E.I. DuPont De Nemours and Co.*, 335 U.S. 331, 93 L.Ed. 43, 69 S.Ct. 85, (1948).

Petitioner asserted his right to a full transcript due to the length and complexity of the trial and the number of constitutional and procedural issues raised in trial on the merits. Further, the parties having failed to consent to an abbreviated transcript, and the time for filing a motion for an abbreviated transcript having passed, Petitioner asserted his right to a full transcript pursuant to court rule. R. 2:5-3(c).

---

[1] N.J. Const. (1947) Art. 6, Sec. 5, para. 2, Rule 2:2-3, *Middler* v. *Heinowitz*, 10 N.J. 123 (1952). *Tidewater Oil Co.* v. *Mayor and Council of Carteret*, 44 N.J. 338 (1965).

[2] See Affidavit of Petitioner's counsel submitted in support of the motion for free transcript pursuant to Rule 2:5-3(d) and Rule 2:7-4. (App. E).

Petitioner's motion for a free transcript was denied solely on grounds that he was represented by a federally funded legal services project, which the Judge felt should pay for the transcript. Denial of the motion was appealed and denied by the New Jersey Superior Court: Appellate Division on May 29, 1973, a copy of the Order is attached hereto as Appendix A. The Appellate Division stated in its Order denying the motion:

> "In view of the fact that appellant is represented by a publicly funded agency with the apparent financial capacity to provide the needed transcript, the motion is denied."

The New Jersey Supreme Court, without comment, denied Petitioner's appeal from the Order of the Superior Court: Appellate Division on September 19, 1973 (App. B). Thereafter Petitioner timely filed the within Petition for Writ of Certiorari.

REASON FOR GRANTING THE WRIT

I

> Does the decision below denying Petitioner's motion for a free transcript on appeal solely on the basis that his attorney, an OEO legal service project, should pay for said transcript, constitute an invidious discrimination as applied to Petitioner in violation of the due process and equal protection requirements of the Fourteenth Amendment and conflict with this Court's opinion in *Adkins* v. *E.I. DuPont De Nemours and Company,* 335 U.S. 331, 93 L.Ed. 43, 69 S.Ct. 85 (1948).

Congress in establishing legal services for the indigent intended that the best possible representation be provided.

> "Projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession." 42 U.S.C. Sec. 2809(a) (3).

Consistent with that objective OEO legal services attorneys, whether with plenary admission to practice law in New Jersey, or by special rule, are subject to the discipline and court rules established by the New Jersey Supreme Court. N.J. Const., (1947) Art. 6, Sec. 2, Para. 3. R. 1:21-1.

It is admitted that funds for transcripts on appeal can be provided out of federal funds from which an OEO legal services project is primarily funded; and that New Jersey legal services projects have paid for transcripts on occasion where the situation demanded, the project had the funds to spare, and the transcript could not be obtained free of charge. The payment by the OEO project of transcripts is not, however, required by federal law. 42 U.S.C. Sec. 2809(a) (3). Indeed, this Court has said that when publicly funded programs operate on finite resources, it may make programmatic determinations to provide some benefit and assistance to as many as possible rather than total assistance to a few. *Bolling* v. *Sharpe,* 347 U.S. 497, 98 L.Ed. 884, 74 S.Ct. 693 (1954), *Richardson* v. *Belcher,* 404 U.S. 78, 30 L.Ed. 2d 231, 92 S.Ct. 254 (1972). *Dandridge* v. *Williams,* 397 U.S. 471, 25 L.Ed. 2d 491, 90 S.Ct. 1153, reh. den. 398 U.S. 914, 26 L.Ed. 2d 80, 90 S.Ct. 1684 (1970). It is respectfully submitted that the Order of Juvenile and Domestic Relations Court denying Petitioner a free transcript on the basis that his attorney, Newark Legal Services Project, should pay for same, would deprive the Office of Economic Opportunity and OEO Legal Services of the programmatic control of its Federal appropriations to comply with its mandate of providing the best possible legal representation. 42 U.S.C. Sec. 2809(a) (3).

In the instant action, Newark Legal Services Project was assigned by the Court to represent Petitioner. (App. E). It is of no moment that his attorneys are publicly funded since the Court has the authority to compensate assigned private counsel. R.1:13-2. In any event, assigned counsel, including OEO legal services projects, are similarly treated by Court Rule in connection with representing indigents in civil matters. R.1:13-2. *Schlott* v. *Norton,* 107 N.J. Super 16 (Ch. Div. 1969), *Ferrigno* v. *Ferrigno,* 115 N.J. Super 283 (Ch. Div. 1971).

The purpose of the Economic Opportunity Act of 1964, and the amendments thereto, is to provide the best legal representation wherever possible. 42 U.S.C. Sec. 2809(a) (3). The purpose of the New Jersey Court Rules concerning the representation of indigents is to prevent the denial of a right to appeal because of poverty. *PRESSLER, Current N.J. Court Rules, COMMENT R.1:13-2, COMMENT R.2:7-1 et seq.* Neither purpose is fulfilled if the Court requires that OEO legal services pay for the transcript and the funds are not available. Denial of Petitioner's motion is an invidious discrimination against the class of indigents represented by OEO legal services with a right of appeal in violation of the due process and equal protection requirements of the Fourteenth Amendment, since the objective of conserving county funds at the expense of federal funds is not a rational distinction and further contravenes the purposes of both federal law and State Court Rules. 42 U.S.C. 2809(a) (3), R.1:13-2, R.2:7-1, *Griffin* v. *Illinois*, supra., *Rinaldi* v. *Yeager*, 384 U.S. 305, 16 L.Ed. 2d 577, 86 S.Ct. 1497 (1966). It is respectfully submitted that the application of the New Jersey Court Rules to Petitioner are therefore unconstitutional.

The denial of a free transcript to Petitioner further contravenes this Court's decision in *Adkins* v. *E.I. DuPont De Nemours and Company*, 335 U.S. 331, 93 L.Ed. 43, 695 S. Ct. 85 (1948).

Justice Black speaking for the Court in *Adkins*, supra. said:

> "...The statutory construction urged by respondent here would result in restricting the opportunities of the poor litigant to getting a lawyer who would follow his case through the appellate courts. For as was said by the Court of Appeals in *Clark* v. *United States* (DC MO. 1932) 57 F2 214, 216 '...The same poverty that compels a litigant to avail himself of this beneficent statute makes it impossible for him to hire counsel. He can procure counsel only by agreeing that out of the proceeds of his case, if there are proceeds, Counsel shall be compensated... In practical effect he (a poor litigant) is denied counsel if his counsel must either himself guarantee the cost or

file an affidavit that he also is penniless. The statute was intended for the benefit of those too poor to pay or to give security for costs, and it was not intended that they should be compelled to employ only paupers to represent them. *Adkins v. E.I. DuPont De Nemours and Company*, supra.

The instant case is even more discriminating since the denial of a free transcript would deny Petitioner the benefit of meaningful counsel on appeal under the Economic Opportunity Act of 1964. The Petitioner's attorney would be required to guarantee its ability to pay in advance of accepting a case. Further, the New Jersey Court Rules specifically prohibit assigned counsel, as in the instant case, from expending his own funds to prosecute a case. R.1:13-2.

II

Does the decision below denying Petitioner's motion for a free transcript on appeal constitute a violation of his right to due process and equal protection under the Fourteenth Amendment and conflict with this Court's decision in *Griffin* v. *Illinois*, 351 U.S. 12, 100 L.Ed. 891, 76 S.Ct. 585 (1956)?

In the instant action Petitioner has a right of appeal from the final Order of the Juvenile and Domestic Relations Court. N.J. Const.(1947)6, Sec. 5, Para. 2, Rule 2:2-3 *Middler* v. *Heinowitz*, 10 N.J. 123 (1952), *Tidewater Oil Co.* v. *Mayor and Council of Carteret*, 44 N.J. 338 (1965).

In order to perfect his appeal a transcript[3] is required. Rule 2:5-3(a). In addition to the facts presented by Petitioner in the above statement of the case as to the length and complexity of the action as justification for a full transcript, New Jersey Rules Governing Appellate Practice prohibit abbreviations of transcripts entirely in criminal matters and only

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[3]In New Jersey's Juvenile and Domestic Relations Courts tape recorders are used and thereafter transcribed for use on appeal.

upon motion or by consent of the parties in civil matters. R.2:5-3, see *PRESSLER, Current N.J. Court Rules, COMMENT 2:5-3.* In the instant case the parties have not consented to an abbreviation of the transcript and the time has expired to do so on motion. R.2:5-3.

In order to obtain a free transcript an indigent must move for same before either the trial or the appellate court. R.2:5-3 (d). The rules further provide that if the indigent has been granted relief previously he shall be granted further relief on appeal upon a filing of an affidavit of continued indigency. R.2:7-4. See Petitioner's affidavit (APP. D).

The failure of the trial court on motion to provide Petitioner with a free transcript is inconsistent with the Supreme Court holding in *Griffin* v. *Illinois,* supra, where the court held that failure to provide a transcript where there exists the right of appeal violated the due process and equal protection clauses of the Fourteenth Amendment.

> "...It is true that a State is not required by the Federal Constitution to provide appellate courts or a right to appellate review at all. See, e.g. *McKane* v. *Durston,* 153 U.S. 684, 687, 688, 38 L.Ed. 867-869, 14 S.Ct. 913. But that is not to say that a State that does grant appellate reviews can do so in a way that discriminates against some convicted defendants on account of their poverty." *Griffin* v. *Illinois,* supra.

Although *Griffin* involved a conviction for armed robbery, the Supreme Court did not limit the application to matters involving incarceration or strictly criminal matters, nor require that Petitioner prove the merits of his main appeal; *Draper* v. *State of Washington,* 372, U.S. 487, 9 L.Ed. 2d 899, 83 S.Ct. 774 (1963) and that he was entitled to relief by way of habeas corpus proceedings if denied a transcript. *Roberts* v. *J. Edwin La Valler,* 389 U.S. 40, 19 L.Ed. 2d 41, 88 S.Ct. 194 (1967). *Griffin* was also made applicable to quasi-criminal matters and those not involving possible jail terms. *Mayer* v. *City of Chicago,* 404 U.S. 139, 30 L.Ed. 2d 372, 92 S.Ct. 410, (1971), *Williams* v. *City of Oklahoma City,* 395 U.S. 458, 23 L.Ed. 2d 404, 89 S.Ct. 1818.

The court has since determined that an indigent is entitled to a free transcript in an appeal from the denial of civil relief. *Eskridge* v. *Washington State Board of Prison Terms and Paroles,* 357 U.S. 314, 2 L.Ed. 2d 1269, 78 S.Ct. 1061, (1958), *Gardner* v. *State of California,* 393 U.S. 367, 21 L.Ed. 2d 601, 89 S.Ct. 580, (1969).

The rational of *Griffin,* supra., to prohibit invidious discrimination based on poverty and prevent denial of due process applies as well as to civil matters and filing fees and costs could not be required of the indigent to prevent them from obtaining a divorce. *Boddie* v. *Connecticut,* 401 U.S. 371, 28 L.Ed. 2d 113, 91 S.Ct. 780 (1971).

CONCLUSION

For the foregoing reasons Petitioner respectfully submits that a Writ of Certiorari should issue to review the decisions below.

December, 1973

Respectfully submitted by,

JOSEPH HILLMAN, Jr., Esq.
NEW JERSEY STATE OFFICE
ON POVERTY AND LAW
363 West State Street
Trenton, New Jersey 08625
Attorney for Petitioner

APPENDIX

APPENDIX A

ORDER ON
MOTIONS/PETITIONS

CAROL CHAMBERS

VS.

JAMES CHAMBERS

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1040-72
MOTION NO. M-1014-72
BEFORE PART C

JUDGES: FRITZ
LYNCH
TRAUTWEIN

Moving Papers Filed FEBRUARY 22, 1973
Answering Papers Filed MARCH 19, 1973
Date Submitted to Court MARCH 6, 1973
Date Argued
Date Decided MAY 29, 1973

ORIGINAL FILED
MAY 30 1973
MORTIMER B. NEWMAN, JR.
Clerk

ORDER

This matter having been duly presented to the Court,

it is hereby ORDERED as follows:

	Granted	Denied	Other
Motion/Petition for FREE TRANSCRIPT		X	

SUPPLEMENTAL:

In view of the fact that appellant is represented by a publicly funded agency with an apparent financial capacity to provide the needed transcript, the motion is denied.

FOR THE COURT:

John W. Fritz
P.J.A.D.

Witness, the Honorable JOHN W. FRITZ, Presiding Judge of Part C, Superior Court of New Jersey, Appellate Division, this 29th day of MAY 1973

Mortimer B. Newman Jr.
Clerk of the Superior Court

APPENDIX B

A TRUE COPY

Florence R. Parker

CLERK

SUPREME COURT OF NEW JERSEY
M-56 SEPTEMBER TERM 1973

Carol Chambers,

Plaintiff-Respondent,

vs. ORDER

James Chambers,

Defendant-Movant.

This matter having been duly presented to the Court, it is ORDERED that the motion for leave to appeal denial of free transcripts is denied.

Witness, the Honorable Pierre P. Garven, Chief Justice, at Trenton, this 19th day of September, 1973.

Florence R. Parker
Clerk

Florence R. Parker
CLERK

APPENDIX C

Juvenile and Domestic Relations Court
of the County of Essex

Carol Chambers ..... Plaintiff

vs.

James Chambers ..... Defendant(s)

Docket No. 6886

Civil Action

ORDER OF SUPPORT

A hearing having been held before the court on the date set forth below on plaintiff's duly verified complaint, (as amended) and both parties having presented proofs and argument in open court, and the court having duly considered the said complaint, proofs and argument,

The Court does hereby find that, by reason of the statutory provisions set forth in said complaint, defendant is under the legal obligation of support and maintenance hereinafter ordered.

It is, accordingly, hereby ORDERED that defendant pay the sum of $ 35.00 per week for the support and maintenance of wife and two children commencing on 12/22/72, said payments to be made as checked below: Plus 5.00 a week on arrears.

TRUE COPY

Dorothy V Cahill
County Clerk, Essex Co. N.J.

(XX) Thru the Probation Office of this County

( ) To plaintiff directly

Amended order.

It is further ordered that defendant shall have the following visitation rights: .....

Welfare beneficiary of order. Extended probation two(2) years. Released from custody. Defendant made application to Appellate Division for release and it was denied. Application renewed to Single Justice Supreme Court and it was denied with right to renew beforeSupeior Court En banc- Defendant and attorneys made application to this court for leave to purge himself of violation and established he was contrite for previous misconduct and assured court it would not recur. Defendant presently employed and earn $100.00 net. Defendant to pay $100.00 on account of arrears by 12/29/73 and another $150.00 on account by 1/26/73 and when paid release to welfare. Continued probation. Deft. to report weekly & to make payments weekly. Review 3/1/73.

THIS ORDER DATED AND ENTERED:

Judge

~~To be heard by Judge Kenarik~~

APPENDIX D

BERNARD PAUL SYPNIEWSKI, ESQ.
NEWARK LEGAL SERVICES PROJECT
449 Central Avenue
Newark, New Jersey 07107
(201) 484-4010
Attorney for Defendant-Appellant

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CAROL CHAMBERS,

Plaintiff-Respondent,

-vs-

JAMES CHAMBERS,

Defendant-Appellant.

- - - - - - - - - - - - - - - - - - x

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION: ESSEX COUNTY
DOCKET NO.

Civil Action

CERTIFICATION OF INDIGENCY

I, Bernard Paul Sypniewski, hereby certify as follows:

1. I am the attorney of the defendant-appellant in the within action.

2. I was assigned to represent the defendant in this matter by the Honorable Herbert J. Konarik, Judge of the Essex County Juvenile and Domestic Relations Court, for the reason that the defendant was entitled to representation as an indigent.

3. I am a staff attorney associated with Newark Legal Services Project, 449 Central Avenue, Newark, New Jersey, an Office of Economic Opportunity legal services project.

4. I investigated defendant's qualifications for representation at the time of my assignment by the Honorable Herbert J. Konarik, and determined that he was eligible for legal assistance because of his indigency.

5. I have again reviewed his indigency status and have found no substantial change in his financial circumstances, and he is unable to pay for the transcript of the proceedings required in connection with this appeal.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: December 28, 1972.

[redacted]

APPENDIX E

Juvenile and Domestic Relations Court
Essex County

Carol Chambers
Complainant

Vs.

James Chambers
Defendant

Case No. 6886

ORDER

Remanded. Defendant to be returned to court 11/1/72 peremptory. Hold $250.00. Welfare to have plaintiff here and all records. Referred to attorney or Legal Services.

Judge

Dated 10/30/72

cs ECF 7843

Plate # 38